

REMARKS

The last Office Action has been carefully considered.

It is noted that claims 1, 4, 6 and 9 are rejected under 35 U.S.C. 102(b) over the patent to Nickle.

Claims 6-7 and 8-10 are rejected under 35 U.S.C. 102(e) over the patent to McKand.

Claims 1-5 and 8 are rejected under 35 U.S.C. 103(a) over the patent to McKand in view of the patent to Hirose.

Also, the drawings are objected to.

After carefully considering the Examiner's grounds for the objection to the drawings and the Examiner's rejection over the art, applicants have amended the specification to define in this application only a polishing or grinding pad. The original claims have been canceled without prejudice and replaced with new claims 11-18, including claims 11-13 which are method claims and claims 14-16 which are article claims.

Before the analysis of the prior art, it is believed to be advisable to explain to the Examiner the subject matter of the present invention.

The present invention deals with a grinding or polishing pad having a rigid body which forms a backing of the pad, and a working layer which can optionally be provided with abrasive, wherein the working layer is attached to the body by a connecting layer. Each layer has a curing agent. In accordance with the new features of the present invention, in the body or in the working layer an amount of the curing agent is reduced from a conventional amount, while in the connecting layer the amount of the curing agent substantially corresponds to the amount reduction amount, so that during the thermal treatment the curing agent from the connecting layer migrates into the body or the working layer to increase the amount of the curing agent to the conventional amount. In accordance with another feature of the present invention, the amount of the curing agent both in the body and in the working layer can be reduced by certain amounts, and in the connecting layer the amount of the curing agent the amount of reduction of the curing agent in both the body and the working layer, so that during the thermal treatment the curing agent migrates to the body and to the working layer to restore the amount of the curing agent both in the body and in the working layer to the conventional amounts.

The new features of the present invention are not disclosed in the references applied by the Examiner.

First of all, none of the references teaches a polishing pad with a hard body to form a hard backing for the pad, a working layer optionally with an abrasive, and a connecting layer connecting the working layer to the hard body. Secondly, none of the references teaches a grinding or polishing pad in which the amount of the curing agent either in the body or in the working layer, or both in the body and in the working layer, is reduced, while in the connecting layer the amount of the curing agent is selected to restore by migration the amount of the curing agent either in the body, or in the working layer, or both in the body and the working layer.

These new features are not disclosed in the references and can not be considered as obvious from the references, since the references do not contain any hint or suggestion for such features. It is known that in order to arrive at a claimed invention, by modifying the references the cited art must itself contain a suggestion for such a modification.

This principle has also been consistently upheld by the U.S. Court of Customs and Patent Appeals which, for example, held in its decision in re Randol and Redford (165 USPQ 586) that

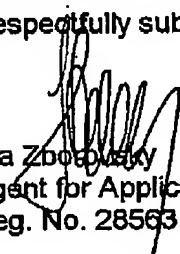
Prior patents are references only for what they clearly disclose or suggest; it is not a proper use of a patent as a reference to modify its structure to one which prior art references do not suggest.

In view of the above presented remarks and amendments, it is believed that claims 11-16 should be considered as patentably distinguishing over the art and should be allowed.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-243-3818).

Respectfully submitted,


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